



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/590,138

08/22/2006

Sebastian Obermanns

2003P16866

5733

24131 7590 12/23/2009
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER

LEBASSI, AMANUEL

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

12/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,138	Applicant(s) OBERMANN, SEBASTIAN	
	Examiner AMANUEL LEBASSI	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/17/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments with respect to claims 10-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta US 20040043782 in view of Yonge, III. US 6987770.

Regarding claim 10, Gupta discloses a method for circuit switch transmission in a self-organizing radio network with at least a first and a second radio coverage area (**paragraph [0009]- first cell having a first base station and a second cell having a second base station**), and at least one mobile communication device for each radio coverage area (**paragraph [00009] -first cell having a first base station and a second cell having a second base station having devices and Fig. 1**). Gupta discloses operating a first device in the first radio coverage area and a second device in the second radio coverage area, for centrally controlling an assignment of transmission channels assigned to the respective radio coverage area (**see Fig. 1 where Base station 110 is**

operating under Base station controller 1 and base station 105 is operating under Base station controller 2). Gupta discloses operating in each of the first and second radio coverage areas mobile communication devices forming intermediate stations for forwarding to the second radio coverage area data originating from the first radio coverage area (**see Fig. 1, and paragraph [0021] - relay stations 125 c and 125 b**) and thereby operating the first central control device to control the transmission channels available to the first radio coverage area, both for transmitting data between the first central control device and the intermediate station and for transmitting data between the intermediate station and the second central control device (**paragraph [0044] where a relay or intermediate device is configured to relay a plurality of messages associated with a plurality of other wireless communication devices along a plurality of adaptive relay paths therefore** transmitting data between the intermediate station and the second central control device).

Gupta discloses the communication circuitry may transmit and receive messages that include voice, video and data information but is silent on packet-switched data transmission (**paragraph [0043]**). Yonge teaches packet-switched data transmission (**col. 6, lines 66-67 – packet switched**).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Gupta and have it include packet-switched data transmission. The motivation would have been in order to switch channels more efficiently when data is compressed (**paragraph [0003]**).

Regarding claim 11, Yonge teaches transmitting control data appended in the transmission with the first central control device on a separate transmission channel (**col. 3, lines 18-26**)

Regarding claim 12, Yonge teaches wherein the separate transmission channel is an FCH channel (**col. 3, lines 18-25 where the frame forwardin,q can further include selecting the intermediate station for frame forwardin,q from among the stations that can communicate with the second station using connection information based on characteristics of a respective first channel connection between each station and the second station and a second channel connection between each station and the first station**).

Regarding claim 13, Yonge teaches if the FCH channel cannot be received by the second central control device, appending with the intermediate station control data for the second central control device to the data to be forwarded (**col. 3, lines 18-25**)

Regarding claim 14, the combination of above discloses adding to the control data at least one of an address of the second central control device and a format of the data to be forwarded (see above).

Regarding claim 15, Yonge discloses analyzing the control data in the intermediate station **(col. 1, lines 33-37)**.

Regarding claim 16, Yonge discloses analyzing the control data in the second central control device **(paragraph [0015])**.

Regarding claim 17, Yonge discloses operating the radio network using central medium access control in accordance with a standard selected from the group consisting of IEEE 802.11 standard, IEEE 802.16, Hiperlan/2, and a standard derived therefrom **(col. 14, lines 57-59)**.

Regarding claim 18, Yonge discloses an intermediate station configured for carrying out the method **(col. 1, lines 33-37)**.

Regarding claim 19, Gupta discloses A central control device configured for carrying out the method (**paragraph [0015] and Fig. 1**).

Conclusion

1. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amanuel Lebassi, whose telephone number is (571) 270-5303. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Art Unit: 2617

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Amanuel Lebassi

/A. L/

12/17/2009

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617